

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 15030US02)

In the Application of:

Lakshman Ramakrishnan et al.

Serial No.: 10/716,008

Filed: November 18, 2003

For: SYSTEM AND METHOD FOR
EFFICIENTLY STORING
MACROBLOCKS IN SD-RAM

Examiner: Behrooz M. Senfi

Group Art Unit: 2621

Confirmation No.: 4199

Transmitted via the Office electronic filing
system September 16, 2010.

**APPLICATION FOR RECONSIDERATION OF THE
DETERMINATION OF PATENT TERM ADJUSTMENT
UNDER 35 U.S.C. 154(b)
ACCOMPANYING THE NOTICE OF ALLOWANCE
(37 CFR § 1.705)**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed June 16, 2010 ("the Decision"), to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States

Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 1306 days.

The bases under § 1.702 for the adjustment are as follows.

Positive Patent Term Adjustment

Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the three-year deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 726 days, minus 0 days consumed by an appeal, for a net adjustment of 726 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was November 18, 2003,
- the third anniversary of the actual filing date was November 18, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on November 13, 2008,
- the first RCE was filed 726 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

Reductions in Patent Term Adjustment

Removing Overlap

- Two or more grounds of delay overlap from November 18, 2006, to October 3, 2007, totaling 319 days of delay.

- Two or more grounds of delay overlap from June 28, 2008, to July 14, 2008, totaling 16 days of delay.

This overlap has been subtracted from the patent term adjustment in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR.

Three Months to Respond to Office actions (37 CFR § 1.704(b))

The applicant is contesting the following application(s) of 37 CFR § 1.704(b) to reduce the patent term adjustment in the present application.

Period from March 1, 2009, to March 2, 2009

- The pertinent Office action was mailed on December 1, 2008,
- The date three months after the mailing date of the Office action is Sunday, March 1, 2009,
- The response to the Office action was filed on Monday, March 2, 2009,
- The reduction in the patent term adjustment proposed by the USPTO is 1 days,
- The Applicant's position is that the present Office action response filed on the first business day after a deadline falling on a weekend or holiday is not late, establishing the correct reduction in patent term adjustment is 0 days. The basis for this position is 37 CFR § 1.6(a)(1), which states in relevant part, "The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia," and 37 CFR § 1.7(a), which states in relevant part: "When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be

taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday.” In this case, 37 CFR § 1.7(a) is applicable because the last day set by statute (35 USC § 154(b)(2)(C)(ii)) for taking the action of filing a response to an Office action without being “deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application,” falls on a Saturday, Sunday, or on a Federal holiday within the District of Columbia.

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

Positive Patent Term Adjustment

- **Three Year Guarantee**
(35 USC § 154(b)(1)(B))

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	726

Reductions in Patent Term Adjustment

- **Removing Overlap**

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	335

- **Three Months to Respond to Office actions**
(37 CFR § 1.704(b))

	Patent Term Adjustment (days)
USPTO Calculation	1
Applicant Calculation	0

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1306 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: September 16, 2010

By: /Mirut P. Dalal/
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PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No.

10/716,008

Docket No. 15030U502

DATE	EVENT	PTO Calculation		Applicant Calculation	
		PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
Tuesday, December 28, 2010	Projected issue date				
Wednesday, June 16, 2010	Mail Notice of Allowance				
Tuesday, June 15, 2010	Document Verification				
Tuesday, June 15, 2010	Case Docketed to Examiner in GAU				
Tuesday, June 15, 2010	Notice of Allowance Data Verification Completed				
Wednesday, June 02, 2010	Date Forwarded to Examiner				
Wednesday, June 02, 2010	Disposal for a RCE / CPA / R129				
Tuesday, June 01, 2010	Request for Continued Examination (RCE)				
Monday, March 01, 2010	Mail Final Rejection (PTOL - 326)	27		27.00	
Friday, February 26, 2010	Final Rejection				
Tuesday, February 02, 2010	Four months after response to Office action				
Tuesday, December 01, 2009	Date Forwarded to Examiner				
Tuesday, December 01, 2009	Date Forwarded to Examiner				
Tuesday, December 01, 2009	Disposal for a RCE / CPA / R129				*
Friday, October 02, 2009	Workflow - Request for RCE Begin				*
Friday, October 02, 2009	Request for Continued Examination (RCE)				
					30.00

Wednesday, September 01, 2004	Application Return from OIPE	*	
Wednesday, September 01, 2004	Application Return TO OIPE	*	
Wednesday, September 01, 2004	Application Return from OIPE	*	
Wednesday, September 01, 2004	Application Is Now Complete	*	
Wednesday, September 01, 2004	Application Return TO OIPE	*	
Wednesday, September 01, 2004	Application Dispatched from OIPE	*	
Wednesday, September 01, 2004	Application Is Now Complete	*	
Monday, August 09, 2004	Additional Application Filing Fees	*	
Monday, August 09, 2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant has submitted new drawings to correct Corrected Papers problems	*	
Monday, August 09, 2004	Notice Mailed--Application Incomplete--Filing Date Assigned	*	
Monday, August 02, 2004	Cleared by OIPE CSR	*	
Tuesday, February 03, 2004	IFW Scan & PACR Auto Security Review	*	
Thursday, December 25, 2003	Initial Exam Team nn	*	
Tuesday, November 18, 2003		*	
		PTO (Days)	APPL (Days)

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		PTO (Days)
		APPL (Days)

10/716,008	SYSTEM AND METHOD FOR EFFICIENTLY STORING MACROBLOCKS IN SD-RAM	08-12- 2010::11:37:00
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Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/716,008

Filing or 371(c) Date:	11-18-2003	USPTO Delay (PTO) Delay (days):	-
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	-	Applicant Delay (APPL) Delay (days):	-
Post-Issue Petitions (days):	-	Total PTA (days):	914
USPTO Adjustment(days):	-	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
06-16-2010	Mail Notice of Allowance		
06-15-2010	Document Verification		
06-15-2010	Case Docketed to Examiner in GAU		
06-15-2010	Notice of Allowance Data Verification Completed		
06-02-2010	Date Forwarded to Examiner		
06-01-2010	Request for Continued Examination (RCE)		
06-02-2010	Disposal for a RCE / CPA / R129		
03-01-2010	Mail Final Rejection (PTOL - 326)	27	
02-26-2010	Final Rejection	⚡	
10-02-2009	Workflow - Request for RCE - Begin	⚡	
12-01-2009	Date Forwarded to Examiner	⚡	
12-01-2009	Date Forwarded to Examiner	⚡	
10-02-2009	Request for Continued Examination (RCE)		30
12-01-2009	Disposal for a RCE / CPA / R129		⚡
06-02-2009	Mail Final Rejection (PTOL - 326)		⚡
06-02-2009	Final Rejection		
03-25-2009	Date Forwarded to Examiner		
03-02-2009	Response after Non-Final Action		1
12-01-2008	Mail Non-Final Rejection		⚡
11-24-2008	Non-Final Rejection		
11-17-2008	Date Forwarded to Examiner		
11-17-2008	Date Forwarded to Examiner		
11-13-2008	Request for Continued Examination (RCE)		30
11-17-2008	Disposal for a RCE / CPA / R129		⚡
11-13-2008	Request for Extension of Time - Granted		⚡
11-13-2008	Workflow - Request for RCE - Begin		⚡
07-14-2008	Mail Final Rejection (PTOL - 326)	16	
05-25-2008	Final Rejection	⚡	
03-20-2008	Date Forwarded to Examiner	⚡	
02-28-2008	Response after Non-Final Action		56
01-28-2008	Mail Notice of Informal or Non-Responsive Amendment		⚡

01-25-2008	Date Forwarded to Examiner		🔍
01-03-2008	Informal or Non-Responsive Amendment after Examiner Action		🔍
01-03-2008	Response after Non-Final Action		🔍
10-03-2007	Mail Non-Final Rejection	988	
09-28-2007	Non-Final Rejection		🔍
04-03-2007	Case Docketed to Examiner in GAU		🔍
11-07-2006	Case Docketed to Examiner in GAU		🔍
03-21-2006	Case Docketed to Examiner in GAU		🔍
05-23-2005	Miscellaneous Incoming Letter		🔍
04-12-2005	IFW TSS Processing by Tech Center Complete		🔍
04-12-2005	Case Docketed to Examiner in GAU		🔍
09-01-2004	Application Return from OIPE		🔍
09-01-2004	Application Return TO OIPE		🔍
09-01-2004	Application Return from OIPE		🔍
09-01-2004	Application Is Now Complete		🔍
09-01-2004	Application Return TO OIPE		🔍
09-01-2004	Application Dispatched from OIPE		🔍
09-01-2004	Application Is Now Complete		🔍
08-09-2004	Additional Application Filing Fees		🔍
08-09-2004	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant		🔍
08-09-2004	Applicant has submitted new drawings to correct Corrected Papers problems		🔍
08-02-2004	Notice Mailed--Application Incomplete--Filing Date Assigned		🔍
02-03-2004	Cleared by OIPE CSR		🔍
12-25-2003	IFW Scan & PACR Auto Security Review		🔍
11-18-2003	Initial Exam Team nn		🔍

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